

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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JOHN HRIVNAK,

Plaintiff,

Case No. 07-C-566

v.

**HEARING MINUTE SHEET**

HOFFMAN, LLC.,

Defendant.

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**Hon William C. Griesbach, presiding.**

**Deputy Clerk:** Mary Conard

**Type of proceeding:** Motion Hearing

**Date:** April 3, 2008

**Court Reporter:** 040308

**Time Commenced:** 1:36 p.m.

**Time Concluded:** 2:29 p.m.

**Appearances:**      **Plaintiff:**      Jeffrey M. Berzowski

**Defendant:**      Kristi Nelson-Foy

**Comments:**

1:36 p.m. Case is called; parties give appearances.

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1:37 p.m. Court addresses, for the record, the issue of jurisdiction. Court refers to Rule 1441(b) which governs diversity cases and *Hurley v. Motorcoach Industries, Inc.* 222 F3rd 377 (7th Cir. 2000) and *Allstate Life Ins. Co. v. Hanson* 200 FSupp. 2d 1012 (E.D. Wis. 2002).

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1:40 p.m. Court addresses motion dealing with good faith issue.

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1:42 p.m. Atty. Berzowski addresses motion. Court questions Atty. Berzowski

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1:50 p.m. Atty. Foy responds. Court questions Atty. Foy.

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1:52 p.m. Court denies need to amend complaint, and motion to amend complaint is moot, and in so doing, grants motion as to sufficiency of the pleadings. Court believes good faith was present.

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1:55 p.m. Court grants motion for sur-reply.

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1:56 p.m. Court addresses motion to strike expert.

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1:56 p.m. Atty. Foy addresses motion. Court questions Atty. Foy.

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2:08 p.m. Atty. Berzowski responds.

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2:12 p.m. Atty. Foy replies.

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2:13 p.m. Court denies motion to strike expert, without prejudice. Court also modifies the scheduling order to allow defendant to depose Ms. Zancan and then make the decision whether to retain their own expert.

2:21 p.m. Atty. Foy states they are anticipating filing summary judgment motion.

2:24 p.m. Court amends defendant's expert disclosure date to 6/3/2008. Summary judgment motion deadline will stay on 4/20/2008. Trial date may be set approx. 120 days after decision on summary judgment motion.

2:29 p.m. Court adjourns.